REMARKS

Claims 1-19 and 58 are pending in the application. Claim 1-19 stand rejected; claim 59 is newly added. Claims 20-58 have been cancel from the application as being drawn to a non-elected invention.

The paragraph beginning on page 6, line 8 of the application, amended in the previous response, has been further amended to correct a word processor error in which the word "methine" was inadvertently auto-corrected by the word processor program to "methane". This same error was apparently introduced into the Final Office Action, since the suggested word in bold also appears as "methane." Applicants' counsel has therefore added the word "methine" to the dictionary of the word processor program so that this inadvertent auto-correction does not again occur. Applicants respectfully submit that this change introduces no new matter, and respectfully request entry and favorable consideration.

Claim 1 is amended herein to describe an embodiment in which the polyester resin is a poly(ethylene terephthalate) or a modified poly(ethylene terephthalate), support for which can be found, for example, at page 1, lines 15-16; and in the preferred monomers given, for example, at page 9, lines 1-17, and elsewhere throughout the specification. Claim 1 has been further amended to state that the amount of titanium in the reaction mixture is from 0.0 ppm to 5 ppm, support for which can be found, for example, at page 6, lines 5-6; and to provide that the diacid component comprises terephthalic acid or dimethyl terephthalate, support for which can be found, for example, at page 9, lines 15-16. Claim 1 has been further amended to make clear that antimony is present in the reaction mixture.

Claims 1, 6, and 8 have been amended to address minor informalities, support for which should be clear from the context.

Claim 6 is amended herein to place the claim in independent form, incorporating the information of claim 1 from which it depended.

Claim 11 is amended herein to change the transition language slightly and to remove reference to terephthalic acid, which now appears in claim 1.

Claim 12 is amended herein to remove reference to dimethyl terephthalate, which now appears in claim 1, and to incorporate isophthalic acid and the diester of isophthalic acid, support for which can be found, for example, in original claim 11.

Claim 14 is amended herein to remove reference to zinc and manganese, and to specify the amount of antimony present, support for which can be found, for example, at page 11, line 21-24.

New Claim 59 has been added to describe an embodiment of the invention finding support, for example, at page11, lines 11-25 of the application.

Applicants respectfully submit that the claim changes and newly-provided claim contain no new matter, and respectfully request entry and favorable consideration.

Obviousness-type double patenting

Applicants again acknowledge and traverse the provisional rejection of claims 1-19 as being unpatentable over claims 1-34 of copending application number 10/855,723, but request that the rejection be held in abeyance until there is an indication of allowable subject matter.

Rejections under 35 U.S.C. § 112

Claims 1-19 were rejected in the Office Action under 35 U.S.C. § 112, first paragraph, as containing new matter. Applicants respectfully traverse the rejection, but since the paragraph has been amended to recite "methine", Applicants submit that the rejection is now moot.

Rejections under 35 U.S.C. § 103(a)

Claims 1-19 were rejected in the Office Action under 35 U.S.C. § 103(a) as being unpatentable over Pruett et al. U.S. 4,617,374 (Pruett '374), Pruett et al. U.S. 5,459,224

(Pruett '224), Carman et al. U.S. 6,001,952 (Carman '952), or Weaver et al. U.S. 6,787,589, each in view of Fujimori et al. (U.S. 6,703,474) and JP407258394A (JP '394). Applicants respectfully traverse this rejection and request reconsideration.

Claims 1 and 6 of the application, as amended, and newly-provided claim 59, recite a method of incorporating a UV inhibitor into a poly(ethylene terephthalate) or a modified poly(ethylene terephthalate) polyester resin; provide that the reaction mixture contains from 0.0 ppm to 5 ppm titanium; provide that the reaction mixture includes one or more of terephthalic acid or dimethyl terephthalate, and provide that an antimony containing compound is present and in an amount of less than 0.1% of the total weight of the reaction mixture. Thus, Applicants respectfully submit that the pending claims are even further distinguished from the art cited, and that the claims as presented are patentably distinct from the art cited.

JP '394 is seen to relate to polyethylene naphthalate (PEN) for bottles, see, for example, the title of the invention on page 1 of the translation provided in the accompanying information disclosure statement. JP '394 further provides that the acid component of the polyesters described consists mainly of naphthalene dicarboxylic acid, see claim 1 for example, that is, at least 70 mol% or more naphthalene dicarboxylic acid, see paragraph 6, for example; and teaches that PEN has better basic properties such as heat resistance, gas barrier property, and mechanical strength than polyethylene terephthalate, see paragraph 2. The claims of the application as presented herein are thus even further distinguished from the teachings of JP '394, and indeed, JP '394 is seen to teach away from the use of poly(ethylene terephthalate) or modified poly(ethylene terephthalate) polyester resins, since the document teaches that the properties of PET are inferior to those of PEN.

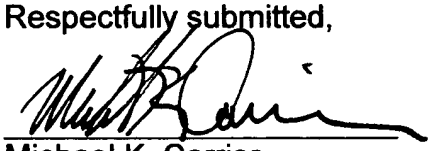
With respect to the catalyst systems described in JP '394, the document teaches that PEN can basically be reacted using the same catalyst systems as PET, but that the use of titanium compounds in PEN results in severe discoloration and deterioration of the hue during polymerization, suggesting by implication that their use in PET does not result in such problems. This is distinguished from the claims as presented herein, which relate to methods of incorporating a UV inhibitor into a poly(ethylene

terephthalate) or a modified poly(ethylene terephthalate) polyester resin in which the amount of titanium is limited. The remainder of the document deals primarily with the preparation of PEN as distinguished from PET. Applicants therefore respectfully submit that the claims of the application as presented herein are distinguished from the references cited.

Applicants therefore respectfully submit that the rejection is overcome, and request that it be withdrawn.

In summary, Applicants believe the application as amended to be in condition for allowance, and respectfully request that the rejections be withdrawn and the claims allowed.

Respectfully submitted,



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March 26, 2007
Date